

**PB# 98-33**

**BRIAN BARBERA**  
**SITE PLAN**

**34-2-1**

Approved 10/6/98

DATE 9/4/98 RECEIPT 065548  
 RECEIVED FROM Brian Barbera  
 Address \_\_\_\_\_  
one Hundred DOLLARS \$ 100.00  
 FOR P.B. #98-33

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	ck # 165
AMOUNT PAID		CHECK	100.00
BALANCE DUE		MONEY ORDER	

Town Clerk  
 BY Dorothy H. Hansen

DATE 9/4/98 RECEIPT 065547  
 RECEIVED FROM Brian Barbera  
 Address \_\_\_\_\_  
one Hundred 00/100 DOLLARS \$ 100.00  
 FOR P.B. #98-33

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	ck # 166
AMOUNT PAID		CHECK	100.00
BALANCE DUE		MONEY ORDER	

Town Clerk  
 BY Dorothy H. Hansen

DATE September 3, 1998 RECEIPT 98-33 NUMBER  
 RECEIVED FROM Brian Barbera  
 Address 597 Little Britain Rd. - New Windsor, N.Y.  
Seven Hundred Fifty 00/100 DOLLARS \$ 750.00  
 FOR Site Plan Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	750.00	CASH	
AMOUNT PAID	750.00	CHECK	# 167
BALANCE DUE	-0-	MONEY ORDER	

BY Maura Mason

DATE 10/8/98 RECEIPT 065657  
 RECEIVED FROM Brian Barbera

ACCOUNT PAID		CHECK	10000
BALANCE DUE		MONEY ORDER	

BY Dorothy H. Hansen

DATE 9/4/98 RECEIPT 065547  
 RECEIVED FROM Brian Barbera  
 Address \_\_\_\_\_  
One Hundred 00/100 DOLLARS \$ 100.00  
 FOR P.B. #98-33

ACCOUNT	HOW PAID
BEGINNING BALANCE	CASH <u>ck #166</u>
AMOUNT PAID	CHECK <u>100.00</u>
BALANCE DUE	MONEY ORDER

Town Clerk  
 BY Dorothy H. Hansen

DATE September 3, 1998 RECEIPT 98-33 N U M B E R  
 RECEIVED FROM Brian Barbera  
 Address 597 Little Britain Rd. - New Windsor, N.Y.  
Seven Hundred Fifty 00/100 DOLLARS \$ 750.00  
 FOR Site Plan Escrow

ACCOUNT	HOW PAID
BEGINNING BALANCE	CASH <u>750.00</u>
AMOUNT PAID	CHECK <u>#167</u>
BALANCE DUE	MONEY ORDER

Mura Mason  
 BY Mura Mason

DATE 10/8/98 RECEIPT 065657  
 RECEIVED FROM Brian Barbera  
 Address \_\_\_\_\_  
One Hundred 00/100 DOLLARS \$ 100.00  
 FOR P.B. #98-33  
Approval Fee

ACCOUNT	HOW PAID
BEGINNING BALANCE	CASH
AMOUNT PAID	CHECK <u>187</u>
BALANCE DUE	MONEY ORDER

Dorothy H. Hansen  
 BY Dorothy H. Hansen

DATE October 6, 1998 RECEIPT 98-33 N U M B E R  
 RECEIVED FROM Brian Barbera  
 Address 597 Little Britain Rd. - New Windsor, NY  
Two Hundred Five 00/100 DOLLARS \$ 205.00  
 FOR 2% of cost estimate (\$10,257.00) Inspection fee

ACCOUNT	HOW PAID
BEGINNING BALANCE	CASH <u>205 -</u>
AMOUNT PAID	CHECK <u>#187</u>
BALANCE DUE	MONEY ORDER

A. Zappala  
 BY Mura Mason, Secretary  
waiter

November 17, 1999

98-3346

BARBERA (SUPERIOR AUTO) SITE PLAN - SITE VISIT REVIEW

MR. EDSALL: Another memo I sent to the board, Mike and I went out on November 9 to review the site. There was a number of open items and those open items effectively turned into requests for changes which are numerous. He wants to relocate the landscaped area and the flag pole from the west side of the building which was kind of in between the new and old buildings to the northeast corner of the property which looking at the property is the front left corner.

MR. LANDER: Why?

MR. BABCOCK: Makes sense.

MR. EDSALL: And additional landscaping and it looks pretty good, kind of dressed up the front.

MR. BABCOCK: He would have this landscape island right in the middle of his parking area for flowing, for everything else, what he did is he took that, put it out front on 207 side where more people are going to see it anyway.

MR. EDSALL: Wants it at the very end of the run along the side of his property. There was a small area just shown with some landscaping, he'd just as soon delete that. He wants to develop that entire west side of the new building, just one row of parking.

MR. LANDER: What's on the plan?

MR. EDSALL: Has the landscaping in the middle so he wants to make that whole thing a row of parking. There was a 6 foot stockade fence that was between the commercial site and the adjoining residential site. When he was before the board, you were aware that he owned both properties, well, he says but I own both properties, I don't want the fence there so he's asking again, he's appealing back to you saying that he really doesn't want the fence, it obstructs traffic flow, he wants to be able to use the properties.

MR. BABCOCK: He's got a driveway here for the house

next door that they use, it's semi residential and commercial, and then the parking lot comes to there, the fence shows here. Right now, you can drive in and park. If you put the fence up, you're going to have to back up and then drive out. Right now, you can just drive through and drive down his other driveway, he owns both pieces of property. To me, I think it makes sense if he was--

MR. LANDER: Two separate lots?

MR. BABCOCK: Yes, he owns both, if he was to sell that lot to you or me, we would request that somebody put up a fence so that somebody wasn't driving on my property. But the fact that he owns both lots.

MR. LANDER: Can we back up just one. Now, you want to, are those cars that are going to be there, they are going to back out onto Weather Oak Hill?

MR. BABCOCK: No, they can do it, it's a 90 degree parking, they can back and drive out.

MR. LANDER: So, there's enough room to do that?

MR. BABCOCK: Yes.

MR. EDSALL: It's wider than 20 feet.

MR. BABCOCK: Yeah.

MR. LANDER: As long as they don't back out on Weather Oak Hill.

MR. BABCOCK: This would definitely prevent it by not putting a fence where they can drive straight through.

MR. EDSALL: There's a wider strip there along the side. The other thing, project sign was shown in the corner of the site, he wants to move it to the middle which doesn't make much difference and he wants to place a small dumpster near the end of the parking aisle at the, I guess it would be the back of the new building, but he's not proposing a dumpster enclosure.

MR. ARGENIO: Where are we going with this?

MR. EDSALL: The point being you can see there, there's a bunch of changes he wants, you've got to decide, I guess, if you want to tell him no, build it the way the site plan shows it, you want an amended plan or you want to just verbally go through these. We don't know what to do, we're out in the field, there's too many for to us deal with.

MR. ARGENIO: We required Stephenson to come in with an amended plan a few years ago and we were very cooperative with him in approving the amendments he made.

MR. PETRO: May I speak now? Tell him we want an amended site plan. End of the story.

MR. LANDER: He needs a dumpster enclosure, too.



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640  
e-mail: mheny@att.net
- ☐ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhepa@ptd.net

19 November 1999

Brian Barbera  
7 Oliver Drive  
Newburgh, New York 12550

**SUBJECT:** SITE PLAN – ROUTE 207 – T/NEW WINDSOR  
NEW WINDSOR PLANNING BOARD NO. 98-33

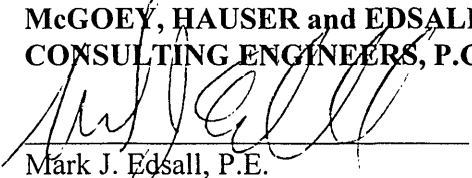
Dear Brian:

At the regular Planning Board meeting on the evening of 17 November 1999, the undersigned and Mike Babcock reviewed the various requested changes identified during our field meeting on 9 November 1999, with the Town Planning Board.

After discussion, the Planning Board decided that you will be required to submit an amended site plan depicting all the requested changes, for review and approval from the Planning Board. Please contact Myra Mason, the Planning Board Secretary, if you need any information regarding this submittal.

Very truly yours,

**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS, P.C.**



Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

cc: Myra Mason, Planning Board Secretary

BARBERA.mk





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e-mail: mhepa@ptd.net

*Need amended S.P.*

10 November 1999

**MEMORANDUM**

**TO:** Town of New Windsor Planning Board

**FROM:** Mark J. Edsall, P.E., Planning Board Engineer *[Signature]*

**SUBJECT:** BARBERA (SUPERIOR AUTO) SITE PLAN  
FIELD REVIEW – 11/9/99  
MHE JOB NO. 87-56.2/T98-3

On the afternoon of 9 November 1999, the undersigned and Building Inspector Mike Babcock reviewed the subject site to determine the completion status of the site improvements. We had the opportunity to review the site with Owner Brian Barbera.

Several items were determined as incomplete and, in addition, several changes were noted from the site plan with stamp of approval 10/6/98. Mike Babcock and I agreed that the changes would require formal acceptance of the Planning Board, and same will be presented for consideration at the end of the 17 November 1999 regular meeting.

The requested changes are as follows:

1. Relocation of the landscaped area and flag pole from the west side of the new building to the northeast corner of the property.
2. Deletion of the small landscaping area at the southwest corner of the property.
3. Development of the entire west side of the new and old building as a row of parking, including the relocation of the handicapped parking space to the front corner of the new building.
4. Elimination of the 6' high stockade fence between the application property and the adjoining residential property to the south. The owner reminds us that he owns both properties.

10 November 1999

**MEMORANDUM  
PAGE 2**

5. Relocation of the project sign from the northeast corner to a point midway along the frontage of Route 207.
6. Placement of a freestanding small dumpster along the easterly property line, near the end of the aisle of the new parking spaces for the new building.

If the Board approves these field changes, the work must be completed. As well, some cleanup work remains to be accomplished in conjunction with the completion of the field change work noted above.

We would appreciate your advising us of your position regarding these changes, such that we can advise the owner accordingly and complete our field review of the site.

MJEmk

11-10-4E.mk



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

## OFFICE OF THE PLANNING BOARD

August 3, 1999

Bureau of Consumer and Facility Services  
P.O. Box 2700 – ESP  
Albany, NY 12220-0700

ATTENTION: APPLICATION UNIT

SUBJECT: SUPERIOR AUTO SERVICE

Dear Sir:

This letter is written as verification that the following applicant was granted Site Plan approval to operate an auto repair shop at the following location in the Town of New Windsor:

SUPERIOR AUTO SERVICE  
LITTLE BRITAIN ROAD  
NEW WINDSOR, NY  
TAX MAP #34-2-1

If you have any further questions with regard to this approval, please contact our office.

Very truly yours,

Michael Babcock, Building & Zoning Inspector  
Town of New Windsor

MLB:mlm

cc: Building Dept. File #34-2-1  
Planning Board File #98-33

10. All applicants must complete Form VS-19 (Statement of Ownership and/or Permission).  
A minimum of a six-month lease is required.
11. Dismantler applicants must attach a copy of proof of property ownership from the lessor in addition to a copy of the lease applicable.
12. Read the special instructions under Sections A-E which apply to your business(es). The Division of Vehicle Safety Services may inspect your premises and interview you before approving your application. If you do not meet the requirements, your application will not be approved and you may not be rescheduled for another interview for at least 30 days.
13. Attach a check or money order (payable to the "Commissioner of Motor Vehicles") to your completed and signed application. If you have a current Vehicle Safety business license, registration or certification, call (518) 474-0919 for a prorated fee. Failure to do so could delay the processing of your application. Mail to:

Bureau of Consumer and Facility Services  
PO Box 2700 - ESP  
Albany NY 12220-0700  
Attention: Application Unit

14. If your facility is located outside a city or incorporated village, attach a separate diagram showing your location in relation to:
- the nearest highway or crossroad;
  - a well-known public building or landmark;
  - if any of the above are not applicable, the numbers of the telephone poles nearest you.

**15. DO NOT SEND AN APPLICATION TO DMV UNTIL YOU MEET ALL THE REQUIREMENTS.**

**SECTION A**

Authority: Vehicle and Traffic Law Section 398;  
Commissioner's Regulations Part 82


**Repair Shop Registration**

Application Fee: \$10\*

Two-Year Business Fee: \$150

**All fees must be sent with the application.**

Complete Section A on the application: if you intend to repair or diagnose motor vehicle malfunctions or repair motor vehicle bodies, fenders or other components damaged by accident or otherwise; OR operate a shop, drive-in station or garage which inspects motor vehicles for the purpose of evaluating or estimating the dollar value of motor vehicle damage or for determining the necessity and cost of motor vehicle repairs. A mobile repair shop registration may be issued to a facility that conducts its business from a vehicle at a location provided by the consumer.

 You must send a copy of one of the following that is ten years old or less: **a certificate of occupancy, OR a local license OR a letter from your local authority** stating that your business may operate at this location and that no local license is required. The letter must be on the authority letterhead and contain the following: full name and address of the business; type of business; a statement that you may operate a Motor Vehicle Repair Shop at the location indicated on your application and that no local license or permit is required; the written signature, printed name and title of the official preparing the letter (that is, Town Supervisor, City Manager, etc.); and the date. The letter must specify **Motor Vehicle Repair Shop**.

**\*If applying for a Repair Shop Registration and Inspection Station License at the same time, the combined application fee is \$25.**

All motor vehicle repair shops that service and/or repair motor vehicle air conditioners must have equipment to recover and recycle air conditioner refrigerants. This equipment must be a type approved by the New York State Department of Environmental Conservation. For a list of approved equipment, contact the New York State Department of Conservation Division of Air Resources at (518) 457-5846.

With the application for repair shop, attach either a manufacturer's certificate or an invoice as proof of purchase of this equipment. These documents must also contain the name and address of the repair shop and the manufacturer, the date the equipment was purchased and the serial number of the unit purchased.



**INSTRUCTIONS FOR COMPLETING  
FORM VS-1 – ORIGINAL FACILITY APPLICATION**



These instructions are based on applicable sections of the New York State Vehicle and Traffic Law and Regulations of the Commissioner of Motor Vehicles.

1. Every applicant for an original business certificate must complete and sign Form VS-1, Original Facility Application. Complete the specific section(s) of each business for which you are applying.
2. **DO NOT FILL IN THE SHADED AREAS OF THE APPLICATION.** Print or type all information. Answer all applicable questions.
3. Attach a copy of a Business Certificate obtained from your County Clerk for the name in which you will be doing business. If you are an INDIVIDUAL and will do business under an assumed business name ("Doing business as" or DBA name), attach a copy of the Business Certificate of Assumed Name. If you will operate a PARTNERSHIP doing business under an assumed name (DBA), attach a copy of the partnership papers indicating both the partnership and the DBA name.
4. If your business is a CORPORATION, which may include an assumed corporation name (DBA), attach the filing receipt issued by the Secretary of State. (If the business will operate under an assumed corporation name, both the name of the corporation holding ownership and the "doing business as" name (DBA) must be indicated on the filing receipt.) In Question No. 12 on VS-1, you are required to list the president, vice president, secretary, and treasurer of the corporation, regardless of whether or not they own any stock. If a position is vacant, indicate that on the form.
5. If you have employees, attach proof of Worker's Compensation coverage and Disability Insurance coverage. This should be a statement containing the insurance company name and policy number(s).
6. If you do not have employees, attach a signed statement that you do not have employees.
7. Be sure your business complies with zoning and other local laws. Your locality administers these ordinances regarding businesses that you may operate. **This is your obligation.** State law requires that Dismantler, Salvage Pool and Repair Shop applicants provide proof of compliance with local ordinances before a registration can be issued.
8. Repair Shop, Inspection Station, Motor Vehicle Dealer, Transporter, and Boat Dealer applications require a non-refundable application fee. If you apply for a Repair Shop Registration and Inspection Station License at the same time, the combined application fee is \$25. The Boat Dealer application fee is always \$10. There is no application fee for Snowmobile Dealers. The two-year business fee must accompany all applications.

**NON-REFUNDABLE APPLICATION FEES ARE AS FOLLOWS:**

Repair Shop Applications	\$10	Section A of VS-1 Application
Inspection Station	\$25	Section B of VS-1 Application
Motor Vehicle Dealer/Transporter	\$25	Section C of VS-1 Application
Junk and Salvage Businesses	None	Section E of VS-1 Application
Any combination of 2 or more of the above	\$25	
Boat Dealers	\$10 (In addition to any other application fee)	Section C of VS-1 Application
Snowmobile Dealers	None	Section C of VS-1 Application
ATV Dealers	None	Section C of VS-1 Application

9. Give your Sales Tax number in Question - 1 on the application if you are required by state law to collect sales tax. You must provide a copy of the Certificate of Authority (form DTF-17A) issued to you by the NYS Department of Taxation and Finance.

RESULTS OF P.B. MEETING

DATE: June 25, 1997

PROJECT NAME: Brian Barbera PROJECT NUMBER Discussion

\*\*\*\*\*

LEAD AGENCY:

\* NEGATIVE DEC:

M)    S)    VOTE: A    N   

\* M)    S)    VOTE: A    N   

CARRIED: YES    NO   

\* CARRIED: YES:    NO   

\*\*\*\*\*

PUBLIC HEARING: M)    S)    VOTE: A    N   

WAIVED: YES    NO   

SEND TO OR. CO. PLANNING: M)    S)    VOTE: A    N    YES    NO   

SEND TO DEPT. OF TRANSPORT: M)    S)    VOTE: A    N    YES    NO   

DISAPP: REFER TO Z.B.A.: M)    S)    VOTE: A    N    YES    NO   

RETURN TO WORK SHOP: YES    NO   

APPROVAL:

M)    S)    VOTE: A    N    APPROVED:   

M)    S)    VOTE: A    N    APPR. CONDITIONALLY:   

NEED NEW PLANS: YES    NO   

DISCUSSION/APPROVAL CONDITIONS:   

Proposed car wash - Rt. 207 E' Weather Oak Hill

Determine if it is permitted use

Move cars to back of property and have car wash in front.

Remove existing office Bldg.

Board Poll Conceptual: 5 Ayes

0 Nay

DISCUSSION

BARBERRA, BRIAN - PROPOSED CAR WASH - RT. 207

Mr. Brian Barberra appeared before the board for this proposal.

MR. BARBERRA: I want to know if I can put a car wash in the NC zone under all the different, you know.

MR. PETRO: Hold up right there first Mark, car wash in an NC zone, why don't we do that first.

MR. EDSALL: I don't believe that is a permitted use but--

MR. PETRO: Let's look at that first before we go any further on this. You're going to need a use variance that is going to be very difficult but Mike Babcock should of told you this.

MR. BARBERRA: I saw him this afternoon, he said it's under the, he showed me the plan, I showed him the thing.

MR. PETRO: Is it or is it not a permitted use?

MR. BARBERRA: He said under a--I don't know.

MR. PETRO: Depends how you classify it.

MR. BARBERRA: Yeah, not under retail.

MR. PETRO: Services.

MR. BARBERRA: Yes.

MR. PETRO: Look under services, professional services.

MR. EDSALL: There's a service establishment, furnishing services other than of a personal nature but excluding gasoline filling stations and motor vehicle storage repair or service, that is really the closest thing, but it says excluding so again it's not listed as a permitted or a special permit use and--

MR. PETRO: Also not excluded.

MR. EDSALL: And the closest item seems to be excluded so.

MR. PETRO: Closest to it seems to be excluded.

MR. EDSALL: I don't know what Mike might of classified it under, I'm sure we can ask for some help.

MR. LUCAS: Where is the location?

MR. PETRO: Location is the superior Auto Sales up on 207, corner of Weather Oak Hill, it's a car lot right now.

MR. LUCAS: Going out towards Stuart?

MR. PETRO: Yes, on the left.

MR. DUBALDI: Right across from the trailer park.

MR. LUCAS: Right in front of the firehouse.

MR. BARBERRA: Yeah.

MR. PETRO: Let's also keep in mind that the car lot itself has now been, it's no longer a permitted use in an NC zone, it's present by law, beginning of this year he's there by right, he's been there, he's there before the law was changed so he has a right to operate his car lot on the lot. Now once he obviously, you don't want to give up the car lot also.

MR. BARBERRA: No, what I want to do is cause I own both properties there, I don't want to make a car lot in the back, I'm going to move the cars, the front line of cars to the back, there's enough property there.

MR. PETRO: On the same parcel?

MR. BARBERRA: On the same parcel, right, and the way the building, you know, when you, we have to get a site plan and show you everything, but I want to keep my car



lot cause you'll be able to see the cars from the road and there is enough property there and what I wanted to do is make that both parcels one, you know.

MR. STENT: There's two separate parcels there?

MR. BARBERRA: Yeah, three.

MR. PETRO: You can combine it, you can take a combining use, you can use the new parcel that you bought, say the second parcel you can use 30 percent of it as the non-conforming use which would be car lot now.

MR. BARBERRA: I don't need any of it, I just want to do that.

MR. LANDER: Just wanted to combine it.

MR. BARBERRA: He said I can save on taxes maybe.

MR. PETRO: Even if you combine them, you can only use 30 percent of it which may be fine for you, Mark, I'm saying this correctly, right?

MR. EDSALL: This is an expansion of a non-conforming 30 percent of the first floor area.

MR. PETRO: 30 percent of the first floor area.

MR. EDSALL: It's building expansion.

MR. PETRO: Nothing to do with the yard lot?

MR. EDSALL: Correct.

MR. PETRO: But his use is auto for parking so can he use any of the new lot is what I am asking?

MR. EDSALL: I don't believe that section about extension of an existing non-conforming use applies to lot area, it applies to buildings, I will check right now and let you know.

MR. PETRO: In the meantime gentlemen what we're doing

is we're going on the premise that the car wash is going to be a permitted use in the zone, we don't know that we're not saying that that is a permitted use, we're assuming that it is a permit, the use, Mr. Babcock isn't here right now, if it is a permitted use.

MR. EDSALL: Finish, then I will--

MR. PETRO: And you have the town engineer, planning board engineer saying that he does not believe it's a permitted use, then you would need to acquire a use variance and I can tell you that that property--

MR. KRIEGER: And/or interpretation.

MR. PETRO: Which is going to be very difficult.

MR. BARBERRA: Is car wash under anything on any of the zones?

MR. PETRO: Commercial zone, I'm sure.

MR. BARBERRA: Says it car wash.

MR. EDSALL: I don't believe they call out car wash specifically but they have automotive uses and again, normally we try to find the closest use that it would apply to, if they tried to list every possible use the bulk table would be as thick as this book.

MR. BARBERRA: How about detail shop, I mean you can have detail shop in the this C zone, right?

MR. EDSALL: I don't know that that is permitted any longer, I don't know what the--

MR. PETRO: I will tell you how we'd resolve this anyway if the building inspector and this man here and the fire inspector tells us it's a permitted use without having to go to the zoning board, then we'll accept that and we'll continue as site plan review, okay.

MR. BARBERRA: Okay.

MR. PETRO: So it is very, that is the way we'd handle that if they tell you that it is, you'd be recommended back to this board, would be for a referral to the zoning board, that is how we know they came up with it's not a permitted use, it's not for us to say, the zoning law, that has got to be decided by the building inspector, fire inspector first.

MR. BARBERRA: Is Mike coming? He said he was going to be here.

MR. PETRO: He should be here, there might have been an emergency.

MR. EDSALL: Section 4824, which is non-conforming uses and buildings, under Subsection 3, it tells you extension are remodeling of structures used for non-conforming uses and that is where it allows 30 percent of the ground floor area, so I don't believe there is, you know, I don't really know, maybe the ZBA has to tell us if you take a parcel and add another parcel to it, does the non-conforming use mean you can not do it on the larger lot, I don't know that we have run into that before.

MR. LUCAS: Yeah, we did, didn't we run into that down at--

MR. STENT: Union Avenue.

MR. BARBERRA: Mike said no to that, I don't need the land.

MR. PETRO: No, but he may also, this is another kicker again it's out of my field, I think he may be able to encroach, Mark's giving me the old look like I'm throwing too much up, he may be able to encroach 30 feet onto the other lot because it's a different zone and use it for the first purpose that 30 feet may also be important.

MR. EDSALL: That is where you have a property cut with a zoning boundary.

MR. BARBERRA: They are the same zone, both NC.

MR. KRIEGER: He says he doesn't need it so it all becomes academic.

MR. PETRO: He's telling us he doesn't need it, I will guarantee he doesn't so I am trying to get it to the point where let's get it out in the open and find out what we're doing.

MR. KRIEGER: There are certain government officials who have the attitude that they know what's better for them than the individual does.

MR. BARBERRA: Still getting my vote, Jim.

MR. PETRO: I'm getting zapped.

MR. LANDER: Where is the zone line?

MR. PETRO: I guess the whole thing fits in neighborhood commercial.

MR. BARBERRA: 500 feet back from the road.

MR. LANDER: That was my question.

MR. PETRO: Let's assume that it is a permitted use in the zone again so he wants to now put a car wash on that corner, you want to rip down the house, put up a car wash similar to what, like the one at the Mobil Station?

MR. BARBERRA: Similar to the one in Vails Gate, Foam and Wash, brand new though I want to have four bays and one automatic and the vacuums and whatever you guys say.

MR. PETRO: What's the first thing that comes to mind when he's talking about a car wash?

MR. LANDER: Water.

MR. EDSALL: Most of the new systems have well over 90 percent recovery so usually you have to worry about stacking of the vehicles.

---

MR. PETRO: What did I tell you, another word, but stacking is the same thing, staging lines.

MR. EDSALL: There's been problems where the staging lines turn out to be the town roads and that is not the intent.

MR. BARBERRA: I can tell you this is a moving thing, I don't think I'm going to have a problem where the tunnel part of it's going to be all the way on the other end, so you'll have to, you know, drive, I don't have a site plan but the tunnel's going to be on the farthest end of the property, so the people going through the tunnel it's a moving thing so--

MR. PETRO: Without a site plan it's very difficult.

MR. STENT: Coming in and going out where, off the Weather Oak, is that the entrance?

MR. BARBERRA: Possibly.

MR. PETRO: He's not sure.

MR. BARBERRA: Maybe just onto 207.

MR. LANDER: The state will be real tough.

MR. BARBERRA: The other thing before I was there, I mean the only person that put curbs up there was me, that was all open.

MR. PETRO: That would be a good point to tell the DOT, maybe they'll give you a curb cut, we don't know.

MR. BARBERRA: Place next to me is the same.

MR. LANDER: DOT would be a tough one.

MR. BARBERRA: I didn't blacktop, it was all done.

MR. PETRO: They may or may not, we're not the body to govern that, we're saying that would be another hurdle for you to overcome is getting curb cut let me say

first thing you need to do is define whether it's a permitted use in the zone, get over that hurdle with the fire inspector and the building inspector. Once your pass that hurdle, if there is, does anyone at the board have a conceptual problem with the idea of a car wash on that site, show us on a site plan how it will work and--

MR. DUBALDI: And if it's a permitted use in the zone.

MR. PETRO: Once we're passed that now, we're passed that.

MR. DUBALDI: But I would like to make sure that that is--

MR. PETRO: He won't come back if that is not the case. If he comes back--

MR. LANDER: He is going to go for a variance.

MR. PETRO: He can come back and go for a variance, I would advise him that would be a tough road but the point I'm trying to make is does anyone have a problem with conceptually with the idea of a car wash on that site? If it works on a site plan, this is not for an approval, we're trying to get--

MR. LUCAS: If it operates like the one in Vails Gate, I don't see too much of a problem, but if it's a different operation where they are all coming through the tunnel, you're going to have a lot of traffic, can he keep the traffic off 207.

MR. BARBERRA: Yeah, I have more, I looked at the plans today, the way Foam and Wash in Vails Gate is set up, I have more property, they have more property than me, but the way they have it set up, I can use my property.

MR. PETRO: First lot, lot 1?

MR. BARBERRA: Yes.

MR. PETRO: Here's the direction of the board.

MR. LUCAS: The second lot would help him, he can move it down.

MR. PETRO: But it may not be a permitted use in the zone and he wants to keep his car lot. Now to keep the car lot, I know for a fact he cannot use the second lot, it's not permitted in the NC zone and it's possible that the car wash may not be permitted but at least the car lot he already has so he will be able to expand that.

MR. LANDER: Even if he combines both lots?

MR. PETRO: Correct, I think that is evading the purpose of the law, in other words.

MR. LANDER: It's always evading.

MR. PETRO: Why doesn't he buy all the lots, he'd make a hell of a car lot, so it would have to stop somewhere.

MR. LANDER: There won't be a line there so who's going to go up there, we're going to measure it?

MR. PETRO: Well, still he'd have to demonstrate on the plan on one lot what he is going to do in reality if he overrides the property line, who knows, fire inspector maybe, but that is not for us. Here's the direction of the planning board, find out a, first the zone if it's a permitted use or not. If it is a permitted use in the zone, come back to the board, the board will review it and we're not saying yes or no, but doesn't sound like it's out of the question, he wants to spend money with the engineer, he doesn't want us to say no, no and come back so they are not saying no, no, no.

MR. LANDER: Well, you always have that possibility.

MR. PETRO: But you have a possibility of not getting an approval.

MR. KRIEGER: With a use variance, it's particularly troublesome.

MR. LANDER: Not even with a use variance, it's still not a given that he is going to get the approval, he might have residents there.

MR. DUBALDI: I want to hear what the residents say.

MR. PETRO: Definitely going to have a public hearing.

MR. STENT: Residents are going to say everything else with the traffic.

MR. PETRO: Staging will be a big thing but he's right, if it's four bays or so and has a flow to it on the lot, who knows but I want to see it on the site plan.

MR. BARBERRA: If I am doing that much business, guess I will buy another piece of property and put it there, that is not the going to happen, I don't think, I don't see you know four bays is plenty.

MR. PETRO: Ball's in your court, permitted use or not, get it from Mike and the fire inspector, then generate a site plan and come back here, you can come back even if it is not a permitted use for a referral to the zoning.

MR. BARBERRA: Right but I'd rather if I can do the--

MR. PETRO: At that point, look for another piece of property.

MR. BARBERRA: Okay, all right.

MR. PETRO: Good luck.

MR. EDSALL: If you want a determination as far as the use being permitted or not, Mike's got to look at that.

MR. PETRO: You're better off with Mike to start.

MR. EDSALL: I know Bobby normally doesn't deal with that decision.

MR. PETRO: You're going to have to wait for Mike to



come back and he's off until the 7th.

MS. MASON: I think so.

MR. BARBERRA: He's not coming in tonight?

MR. EDSALL: He was supposed to.

MR. BARBERRA: Cause I spoke with him today and he says he doesn't see a problem under so and so whatever clause he says, I shouldn't have a problem and he was going to discuss that with everybody but I guess, I mean--

MR. LANDER: Something must of happened.

MR. BARBERRA: So it's basically then if he says okay and the fire inspector says okay, it's okay?

MR. PETRO: Then it's permitted use under the zone and you can come back. You just have to wait until you get things situated.

BARBERA

MR. BABCOCK: Brian Barbera was in last meeting, I didn't make it, I had planned on being here, he came in and got a copy of the NC zone where he is located on Weather Oak Hill, he believes that he would fit, be able to put a car wash on the corner there and fit under the item of--

MR. EDSALL: Personal service.

MR. BABCOCK: Service establishments and I don't believe, I don't know myself whether it really fits in that section. We don't have anything that says car wash and that is why I wanted to ask the board to see what before he goes ahead and draws up a site plan and building plans, if they think that that is a service establishment under that code.

MR. PETRO: It's not for us to decide, if he wants to make a plan, come to this board, we'll refer him to the zoning board.

MR. LANDER: For an interpretation.

MR. BABCOCK: Okay, excellent, thank you.

MR. PETRO: Cause we were more lenient towards it and Mark was not lenient against it but it's not for us to decide.

MR. EDSALL: The reason I was concerned is that service establishments the way they are listed specifically exclude motor vehicle type uses, so I thought that the motor vehicle uses that were listed really were intended to include probably most motor vehicle uses. I don't think their intent was to have a service establishment exclude filling stations, motor vehicle storage, but it's okay to wash your motor vehicle. I just don't think the founders of this code meant that but that is the zoning board's decision.

MR. BABCOCK: The code, every day people come in to ask me to open up businesses and every business that is a new type of business in the town, it's not in that code

book so you try to find a section where it fits.

MR. PETRO: Mike, why don't you reiterate what Mark said to him in that is his opinion that it is really not going to fly there but if he wants to take it upon himself to generate a site plan, come back to the planning board, we'll refer him to the ZBA for the interpretation.

MR. BABCOCK: Do you want him to come here first or go to the zoning board?

MR. LANDER: Well, I don't think he can go to the zoning unless he has an application.

MR. EDSALL: I think he can go directly.

MR. PETRO: We did change that, we already know our feeling, they already know other view on it, so let him go to the zoning board.

MR. KRIEGER: Under those circumstances, they can go because Mike and I are both going to be there.

MR. BABCOCK: We can do some paperwork for him, he can go into a zoning board without a full blown plan if they make an interpretation that it is, he gets a plan done, comes back to this board.

MR. PETRO: Do it that way, a site plan would cost a fortune and they say no way.

MR. BABCOCK: Okay, that is fine.

MR. LANDER: Is that normally done?

MR. PETRO: We can do that, we can send directly to zoning.

MR. BABCOCK: What we did was we need it for mainly use variances so people that use variances are very difficult to get from the zoning board so they draw up a \$5,000 site plan, go to the zoning board, can't get the variance and wasted the money, we did that with the daycare center down on Walsh Road.

MR. LANDER: Yeah, as long as we're not setting a precedent.

MR. BABCOCK: Right, he's just going to go there, the zoning board will make an interpretation, yes, it's part of the code or no, it's not. If it is, he will continue and come back.

MR. PETRO: Part of the code he will be back under here's another thing that is tricky, all right, is keep in mind that the code has been changed so that was grandfathered, that use in the in C zone he is going to be doing a car wash, it won't be grandfathered, that is going to be as part of the new zoning law.

MR. BABCOCK: That is correct.

MR. PETRO: So it will have nothing to do with the car sales, car sales will be grandfathered. Car wash if accepted under the ZBA under the interpretation will be new and he can go on forever.

MR. BABCOCK: Right.

MR. PETRO: Any further discussion from any members?

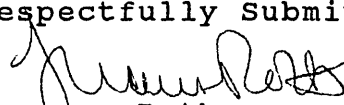
MR. DUBALDI: Motion to adjourn.

MR. LANDER: Second it.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

Respectfully Submitted By:

  
Frances Roth  
Stenographer

SUPERIOR AUTO AMENDED SITE PLAN AND SPECIAL PERMIT  
98-33)

MR. PETRO: Proposes construction of a three bay garage at the existing used car sales facility.

Mr. Brian Barbera appeared before the board for this proposal.

MR. PETRO: This use is by special permit use, your bulk table is correct with the exception of building height and general floor area ratio.

MR. PETRO: This is exactly the same as the last one, is that just a coincidence?

MR. EDSALL: It is. I looked at the new and old tables, just reading them wrong.

\*

MR. BARBERA: Brian Barbera, 597 Little Britain Road, 997 Little Britain Road, 911. I want to put a three bay auto repair shop behind the existing, my existing building, it's going to be a metal building.

MR. LANDER: Do you own that property?

MR. BARBERA: Yes.

MR. LANDER: So, it's all one lot now?

MR. BARBERA: Well, I own the 597. I also own the 3 Weather Oak Hill, it's not one lot, they are separate.

MR. PETRO: The lot the new building is going to be on is owned by you and it's one lot?

MR. BARBERA: Correct.

MR. PETRO: The setbacks are all correct, he needed no zoning board for this application whatsoever.

MR. BABCOCK: That's correct.

MR. LANDER: Let me just clarify that again, where the proposed three bay garage, that's all one lot?

MR. BABCOCK: That's correct.

MR. LANDER: We have a framed residence that's right behind that.

MR. BARBERA: Correct.

MR. LANDER: You own that also?

MR. BARBERA: Yes.

MR. PETRO: Anyone check coverage on this for the entire lot?

MR. EDSALL: Yeah, we don't have a number but there is no code, there's no code restriction.

MR. PETRO: Let's go over some of Mark's comments. The board should determine if any additional information is required with regard to this application, lighting, landscaping, drainage information forms are not included but may not be required. So I think lighting obviously, Brian, you're going to put some wall packs up on the building itself?

MR. BARBERA: Yes.

MR. PETRO: You're going to have it lit? This is not going to be for public use? You're not going to have public people walking? In other words, this is for mechanical, you're going to have service vehicles rather than having public coming here, it's going to have to be lit for public?

MR. BARBERA: Yeah, it's going to be open to the public.

MR. PETRO: So parking, definitely need some lighting, probably should show some wall packs.

MR. BARBERA: I think he had one on the center of the building, but there are going to be as many as you want on the building.

MR. PETRO: Obviously, in the front, you're going to need something there, he's showing none, what about the handicapped parking, where is that designated, are you using the--

MR. EDSALL: Handicapped parking was on the original site plan, that's why I made the comment that they should, what's shown on the original site plan they should show it on this so we know there's a handicapped spot.

MR. PETRO: You should be making a couple notes, your lighting has to be shown complete.

MR. EDSALL: Here, you can have this. Mr. Chairman, going back to the lighting, I think that the location of the light that they show on the south side of the new building is fine. Maybe Mr. Hildreth can give us some information on it so we'll know that it's lighting the whole area up.

MR. PETRO: It may not be sufficient.

MR. EDSALL: By looking at the size of what's there, one wall pack will light the whole area.

MR. PETRO: See, I was turned around, I was looking at the 40 foot side of it as being the front and obviously, it's not, so he's lighting up the front of the building.

MR. EDSALL: Right.

MR. BABCOCK: Mr. Chairman, the lighting on this, you do have a residential house behind it on the north side of it, so we want to keep it somewhat directed to the east side, excuse me, and the south.

MR. PETRO: So, in reality, Mark, what you're saying the lighting is probably adequate as shown?

MR. EDSALL: Yeah, what we can do is doublecheck with Bill what fixture he plans.

MR. PETRO: Where is the handicapped spots supposed to

be on the plan?

MR. BABCOCK: Where it says existing parking right on one, existing one frame building on the Weather Oak Hill side where it says existing parking, that's approximately where the handicapped spots are.

MR. PETRO: How come they are not drawn on the plan?

MR. EDSALL: What he's done is he's not picked up all the information from the original plan.

MR. PETRO: Not showing us the original plan, but he's using part of the original plan for the application so you're going to have to show it all, Brian, you're going to be using the handicapped parking for the big garage, you have to show it on the plan.

MR. LANDER: They are going to go from this existing parking here, wheelchair, and come across that sidewalk to this building?

MR. BARBERA: No, this will all be blacktopped.

MR. PETRO: Should be shown on the map is what Ron's going to tell you.

MR. LANDER: I thought there might have been grass in there.

MR. BARBERA: That's all grass, it's all going to be blacktopped.

MR. LANDER: So, my question still is how does handicapped get from here to this building?

MR. BARBERA: I think the handicapped should be changed, that's what I'll talk to Bill about. I think they should be right here cause that's where the entrance to the building is going to be.

MR. PETRO: How are they going to get from there to the other building?

MR. ARGENIO: It's existing.



MR. PETRO: Is that going to leave you with enough parking?

MR. BARBERA: Required.

MR. EDSALL: You may want just again so we don't get in a position that we have more handicapped than we need, they tend to get abused, if you provide the services where you have the handicapped parking space in the upper area where you have sales, if someone came for service, you're going to have to pull the car into the garage anyway, they can always pull up in the front and have the car moved down for service.

MR. LUCAS: Even if it is just a sidewalk where it says existing parking down to the other one.

MR. BABCOCK: It would be just as easy for him to stripe two more handicapped parking spots down here. The idea is that they are not required by law, it's not required to have that many and, as you know, the more he has handicapped, the more that he has no use of.

MR. LANDER: How many do you need for the proposed three bay garage?

MR. BARBERA: 12.

MR. LANDER: Handicapped spaces?

MR. EDSALL: You need one for the total site.

MR. LANDER: So he just does one there, should be one down by the building somewhere.

MR. ARGENIO: He's got 12 spaces to service, the proposed garage utilizes what would be two spaces because it's 16 feet wide, doesn't meet the requirements.

MR. PETRO: Is it possible to put a sidewalk from the existing blacktop where the sales are to the new building and--

MR. BARBERA: Not a problem, there's going to be a sidewalk in the front that comes with the building, a concrete--

MR. PETRO: And is the sidewalk going to be on a one to ten slope, if you do that?

MR. BABCOCK: Yeah, that's flat.

MR. PETRO: Show it on the plan, you need a sidewalk from the existing parking handicapped parking to the new garage, it's got to be clear sailing to the new office and your garage.

MR. BARBERA: If the whole site requires one handicapped spot, so if I put that handicapped spot here.

MR. PETRO: Now, you need a sidewalk back to the other building.

MR. LUCAS: No matter what, you have to connect the buildings.

MR. LANDER: The proposed building needs, they have to have a way to get from the lot to the building.

MR. PETRO: The pitch cannot be more than 1 on 12 drainage on the site, I think the water is going to sheet flow to Weather Oak Hill.

MR. BARBERA: Correct.

MR. PETRO: It's a small enough site, so I don't see that as a problem. Landscaping, I think he should show something, Brian, in the front of the parking, do you have an idea what you want to do with landscaping?

MR. BARBERA: I have a--

MR. LANDER: Proposed 6 foot high stockade fence, that is what you're going to put in there to buffer it from the residence right next to it?

MR. BARBERA: Correct, there's also a planter box here

existing.

MR. PETRO: How about up on Weather October Hill?

MR. BARBERA: Under my sign, Weather Oak Hill.

MR. LUCAS: The only spot would be down the left-hand corner.

MR. PETRO: Something nice in there where the fence ends, put a little planter there with something in it.

MR. BARBERA: Okay.

MR. PETRO: And the 6 foot high stockade fence is okay.

MR. STENT: Does that building have to be, do they have to be so close together?

MR. BARBERA: To make this work, yeah.

MR. LANDER: You need to turn around in the spots.

MR. STENT: Basically, even though it's a steel building, you have a frame structure next to a steel building.

MR. PETRO: Number 4, he addresses some of that and I think it was cleared up with Bob Rogers, I think that the plan is reflecting what he wished, am I correct?

MR. EDSALL: Yeah, you can ignore comment number 4, I was kind of surprised when I heard there was a problem because it seemed to work out okay at the workshop and then when Bob rechecked it, it still was okay, so disregard number 4 and Bob I believe sent a new memo over.

MR. BABCOCK: Also, where the building mounted light is, that's the entrance doors, so if there's cars parked back there, that was our reason at workshop to push the building up. So when they back out of the repair garage, they have room to turn to get out of there.

MR. STENT: I was looking at that, but I'd like to see the buildings separated more.

MR. BABCOCK: The lawyer requires five feet and he's 8.8 feet.

MR. LANDER: If he moved the building down a little further to the south, you wouldn't have the turning aisle.

MR. EDSALL: We're concerned about the vehicles, you know, if they came in with a tow truck, just having more maneuvering room.

MR. PETRO: What we're really looking for on the plan is a little bit of landscaping that we discussed, the sidewalk connecting to the existing handicapped parking with the new proposed building and the blacktop, correct, the lighting Mark says is adequate.

MR. LANDER: Whose existing stockade fence is this on the east side?

MR. BARBERA: Terrogers (phonetic).

MR. LANDER: So, it's not your fence?

MR. PETRO: What else is left, just those two items we have to go through the procedure.

MR. STENT: Make a motion we declare lead agency.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Barbera site plan on Route 207. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE

MR. LUCAS                      AYE  
MR. PETRO                      AYE

MR. STENT: Question. What kind of repair shop is this going to be? Is this going to be mechanical?

MR. BARBERA: Mechanical repair, no body shop.

MR. PETRO: What was the turnout at the zoning board for the public hearing? Did you have a lot of people show up and have comments?

MR. BARBERA: For the public hearing?

MR. PETRO: At the zoning board.

MR. BABCOCK: Mr. Chairman, this is a special permit use which requires a public hearing.

MR. BARBERA: There was no turnout, Jim.

MR. PETRO: We'll schedule a public hearing, it's mandatory because it's a special permit which we'll do so at that time, if you add the comments to the plan that we had mentioned, we also had two problems in the bulk table, so prepare the plan, correct those, you have that in Mark's comments, you have Mark's comments, just have it corrected. It's just a typo and you have the sidewalk, you have the planter in the front, any other landscaping should put in and I don't think that we, I think that you have across the street there's the station right?

MR. BARBERA: No problem.

MR. LUCAS: What about a flag?

MR. BARBERA: I'm a flag guy.

MR. PETRO: If you want to, we're not going to tell you to but that might be a nice thing for the corner.

MR. BARBERA: Not a problem.

MR. PETRO: As Andy Krieger always says along with the

September 9, 1998

66

flag pole, you must have a flag. All right, we'll set up the public hearing. Once you get all the paperwork straightened out, we'll put you on the next agenda.



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640  
e-mail: mheny@att.net
- ☐ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765  
e-mail: mhepa@ptd.net

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**



**REVIEW NAME:** BARBERA SITE PLAN  
**PROJECT LOCATION:** NYS ROUTE 207 AND WEATHER OAK HILL ROAD  
SECTION 34-BLOCK 2-LOT 1  
**PROJECT NUMBER:** 98-33  
**DATE:** 9 SEPTEMBER 1998  
**DESCRIPTION:** THE APPLICATION PROPOSES THE CONSTRUCTION OF A  
THREE-BAY GARAGE AT THE EXISTING USED CAR SALES  
FACILITY. THE PLAN WAS REVIEWED ON A CONCEPT  
BASIS.


1. The project is located within the Neighborhood Commercial (NC) Zoning District of the Town. The proposed Garage Use is Use B-7 (Special Permit Use). The bulk table on the plan is correct, with the exception of the building height (which should be 23' maximum) and floor area ratio (which should be 0.5). The site does appear to comply with the minimum bulk requirements.
2. The Board should determine if any additional information is required with regard to this application. Lighting, landscaping, drainage information are not included, but may not be required.
3. The plan indicates that a proposed dumpster is to be provided on the east side of the existing building. This would appear to be a very difficult location to access with refuse removal equipment. Further, no enclosure is indicated. This should be further discussed.
4. I am aware of a review from the Town Fire Inspector's office indicating that the current construction of the existing building prohibits the spacing as depicted on the plan. This is a critical site plan layout issue and must be resolved before the Applicant proceeds any further.

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS  
PAGE 2**

**REVIEW NAME:** BARBERA SITE PLAN  
**PROJECT LOCATION:** NYS ROUTE 207 AND WEATHER OAK HILL ROAD  
SECTION 34-BLOCK 2-LOT 1  
**PROJECT NUMBER:** 98-33  
**DATE:** 9 SEPTEMBER 1998

5. The existing parking layout should be depicted on this site plan amendment, including the handicapped parking space and access.
6. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.
7. The Planning Board should schedule the mandatory **Public Hearing** for this **Special Permit**, per the requirements of Paragraph 48-35(A) of the Town Zoning Local Law.
8. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A:BARBERA.mk



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/23/98

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 98-33

NAME: BRIAN BARBERA SITE PLAN (SUPERIOR AUTO)  
APPLICANT: BARBERA, BRIAN

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/03/98	REC. CK. #167	PAID		750.00	
09/09/98	P.B. ATTY. FEE	CHG	35.00		
09/09/98	P.B. MINUTES	CHG	45.00		
09/23/98	P.B. ATTY. FEE	CHG	35.00		
09/23/98	P.B. MINUTES	CHG	27.00		
10/05/98	P.B. ENGINEER FEE	CHG	230.50		
10/23/98	RET. TO APPLICANT	CHG	377.50		
			-----	-----	-----
		TOTAL:	750.00	750.00	0.00

*Save to L.R. 10/23/98*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/08/98

PAGE: 1

LISTING OF PLANNING BOARD **ACTIONS**

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 98-33

NAME: BRIAN BARBERA SITE PLAN (SUPERIOR AUTO)  
APPLICANT: BARBERA, BRIAN

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
10/06/98	PLANS STAMPED	APPROVED
09/23/98	P.B. APPEARANCE - PUB. HEAR . REMOVE DUMPSTER FROM PLAN - SUBMIT COST ESTIMATE	ND: APPROVED
09/09/98	P.B. APPEARANCE . REVISE PLAN & RETURN FOR PUBLIC HEARING ON 9/23/98	RET. FOR PH
08/15/98	WORK SESSION APPEARANCE	SUBMIT
08/05/98	WORK SESSION APPEARANCE	RET. TO W.S.
07/15/98	WORK SHOP APPEARANCE	RET. TO W.S.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/08/98

PAGE: 1

LISTING OF PLANNING BOARD **SEQRA ACTIONS**

FOR PROJECT NUMBER: 98-33

NAME: BRIAN BARBERA SITE PLAN (SUPERIOR AUTO)

APPLICANT: BARBERA, BRIAN

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	09/03/98	EAF SUBMITTED	09/03/98	WITH APPLICATION
ORIG	09/03/98	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	09/03/98	LEAD AGENCY DECLARED	09/09/98	TOOK LEAD AGENCY
ORIG	09/03/98	DECLARATION (POS/NEG)	09/23/98	DECL. NEG. DEC
ORIG	09/03/98	PUBLIC HEARING	/ /	P.H. 9-23-98
ORIG	09/03/98	AGRICULTURAL NOTICES	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/08/98

PAGE: 1

LISTING OF PLANNING BOARD **FEE**  
**APPROVAL**

FOR PROJECT NUMBER: 98-33

NAME: BRIAN BARBERA SITE PLAN (SUPERIOR AUTO)

APPLICANT: BARBERA, BRIAN

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/05/98	APPROVAL FEE	CHG	100.00		
10/06/98	REC. CK. #186	PAID		100.00	
			-----	-----	-----
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/08/98

PAGE: 1

LISTING OF PLANNING BOARD FEES  
4% FEE

FOR PROJECT NUMBER: 98-33

NAME: BRIAN BARBERA SITE PLAN (SUPERIOR AUTO)

APPLICANT: BARBERA, BRIAN

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/05/98	2% OF COST ESTIMATE(10,257.	CHG	205.00		
10/06/98	REC. CK. #187	PAID		205.00	
			-----	-----	-----
		TOTAL:	205.00	205.00	0.00

AS OF: 10/05/98

PAGE: 1

## CHRONOLOGICAL JOB STATUS REPORT

JOB 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 98 33

FOR WORK DONE PRIOR TO: 10/05/98

TASK NO	REC	--DATE--	TRAN	IMPI	ACT DESCRIPTION-----	RATE	HRS	TIME	DOLLARS-----		
									EXP.	BILLED	BALANCE
98-33	139252	07/02/98	TIME	MJE	MC SUPERIOR AUTO TC/Qs	75.00	0.30	22.50			
98-33	141294	07/15/98	TIME	MJE	WS SUPERIOR AUTO	75.00	0.40	30.00			
98-33	142206	08/05/98	TIME	MJE	WS SUPERIOR AUTO	75.00	0.40	30.00			
98-33	144880	09/09/98	TIME	MCK	CL BARBERA RVW COMMENTS	28.00	0.50	14.00			
98-33	145722	09/09/98	TIME	MJC	MC SUPERIOR AUTO S/P	75.00	0.50	37.50			
98-33	146692	09/21/98	TIME	MJE	MC SUPERIOR AUTO	75.00	0.40	30.00			
98-33	146148	09/22/98	TIME	MCK	CL BARBERA RVW COMMENTS	28.00	0.50	14.00			
98-33	146698	09/23/98	TIME	MJE	MC SUPERIOR AUTO	75.00	0.10	7.50			
98-33	146689	09/24/98	TIME	MJL	MC BARBERA W/WSH	75.00	0.20	15.00			
98-33	147192	10/05/98	TIME	MJC	MC SITE FST REVIEW	75.00	0.40	30.00			
TASK TOTAL								230.50	0.00	0.00	230.50
GRAND TOTAL								230.50	0.00	0.00	230.50

TOTAL P.03

**& Grevas**  
**Hildreth, P.C.** LAND SURVEYORS  
407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, NEW YORK 12550  
TEL: (914) 586-6650

86 SEP 20 1998

LAND SURVEYS  
SUBDIVISIONS  
SITE PLANNING  
LOCATION SURVEYS

BUILDING DEPARTMENT

24 September 1998

TOWN OF NEW WINDSOR PLANNING BOARD  
SITE PLAN IMPROVEMENT ESTIMATE  
Brian Barbera Site Plan (98-33)

ITEM	QUANTITY	UNIT PRICE	AMOUNT
Shale	538 s.y.	\$5.00 S.Y.	\$ 2690
Paving	560 S.Y.	10.00 S.Y.	5600
Landscape (Shrubs)	7	25.00 ea.	175
Parking Striping	280 L.F.	0.40 L.F.	112
Handicapped Sign and Striping	1	L.S.	100
Building Mounted Light	1	L.S.	250
Flag Pole	1	L.S.	250
Stockade Fence	90 L.F.	12.00 L.F.	1080
TOTAL ESTIMATE:			\$10,257
2% INSPECTION FEE:			\$205.00

10/5/98  
This looks OK  
M. Edsall

98 - 33

RECEIVED SEP 28 1998

**& Grevas**  
**Hildreth, P.C.** LAND SURVEYORS  
407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, NEW YORK 12550  
TEL: (914) 586-6650

LAND SURVEYS  
SUBDIVISIONS  
SITE PLANNING  
LOCATION SURVEYS

24 September 1998

TOWN OF NEW WINDSOR PLANNING BOARD  
SITE PLAN IMPROVEMENT ESTIMATE  
Brian Barbera Site Plan (98-33)

ITEM	QUANTITY	UNIT PRICE	AMOUNT
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Building Mounted Light	1	L.S.	250
Flag Pole	1	L.S.	250
Stockade Fence	90 L.F.	12.00 L.F.	1080
TOTAL ESTIMATE:			\$10,257
2% INSPECTION FEE:			\$205.00

Gave to Mark w/plan 9/29/98



Public Hearing  
RESULTS OF P.B. MEETING OF: Sept. 3, 1998

**PROJECT:** Superior Auto

**P.B.#** 98-33

**LEAD AGENCY:**

**NEGATIVE DEC:**

1. AUTHORIZE COORD LETTER: Y\_\_\_ N\_\_\_

M) 5 S) LN VOTE: A 5 N 0

2. TAKE LEAD AGENCY: Y\_\_\_ N\_\_\_

CARRIED: YES ✓ NO    

M)\_\_\_S)\_\_\_ VOTE: A\_\_\_N\_\_\_

CARRIED: YES\_\_\_NO\_\_\_

WAIVE PUBLIC HEARING: M) S) VOTE: A N WAIVED: Y N

SCHEDULE P.H. Y\_\_\_N\_\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M)      S)      VOTE: A      N     

RETURN TO WORK SHOP: YES\_\_\_ NO\_\_\_

**APPROVAL:**

M)          S)          VOTE: A          N          APPROVED:                                 

M) 5 5 11 VOTE: A 5 N 1 ) APPROVED CONDITIONALLY: 9-23-98

NEED NEW PLANS: Y N

**DISCUSSION/APPROVAL CONDITIONS:**

Remove Dumpster from place -  
Bond estimate



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

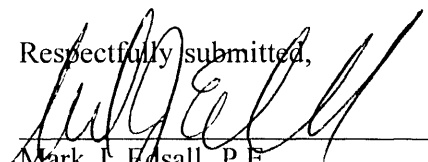
- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640  
e-mail: mheny@att.net
- ☐ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765  
e-mail: mhepa@ptd.net



**REVIEW NAME:** BARBERA (SUPERIOR AUTO) SITE PLAN  
**PROJECT LOCATION:** NYS ROUTE 207 AND WEATHER OAK HILL ROAD  
**PROJECT NUMBER:** SECTION 34-BLOCK 2-LOT 1  
**DATE:** 98-33  
**DESCRIPTION:** 23 SEPTEMBER 1998  
THE APPLICATION PROPOSES THE CONSTRUCTION OF A THREE-BAY GARAGE AT THE EXISTING USED CAR SALES FACILITY. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 9 SEPTEMBER 1998 PLANNING BOARD MEETING AND IS BEFORE THE BOARD FOR A PUBLIC HEARING AT THIS MEETING.

1. The project is located within the Neighborhood Commercial (NC) Zoning District of the Town. The proposed Garage Use is Special Permit Use B-7. The "required" bulk information on the plan is correct and the site appears to comply with the minimum bulk requirements.
2. In my 9 September 1998 Planning Board review comments, I made several comments regarding plan content and necessary revisions. The Applicant's surveyor has made several additions and corrections to the plans and I believe same are consistent with the discussions at the previous Planning Board meeting. One issue which I believe is still in question is the location of the proposed dumpster and access to same.
3. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
4. The Planning Board should require that a **bond** estimate be submitted for this **Site Plan** in accordance with Paragraph A(1)(g) of Chapter 19 of the Town Code.
5. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer  
MJEmk

A:BARBERA2.mk

SUPERIOR AUTO SITE PLAN AMENDMENT AND SPECIAL PERMIT  
(98-33) ROUTE 207

Mr. Brian Barbera appeared before the board for this proposal.

MR. PETRO: We originally looked at this on 9 September, 1998 planning board meeting and there was a few outstanding comments made by the board and we also believe that he needed I think it was mandatory public hearing because of the special use permit, is that correct?

MR. BABCOCK: That's correct.

MR. PETRO: So, what we'll do is we'll review it again, we asked you to put in a sidewalk, I believe, to connect the handicapped parking?

MR. BARBERA: Yes, sir.

MR. PETRO: That's now drawn on the map I see.

MR. BARBERA: Yes, sir.

MR. PETRO: Also the landscaping I see that the architect has put a landscaping circle with a flag pole in the center?

MR. BARBERA: As suggested.

MR. PETRO: As suggested by the planning board.

MR. LUCAS: Appreciated.

MR. KRIEGER: But not required.

MR. PETRO: Flag pole will have a flag on it?

MR. BARBERA: Correct.

MR. PETRO: The lighting for the building, we had discussed that a little bit, I think you had some wall packs on the building, site light is going to consist of building mounted lights, it says here, new site

lighting to consist of wall mounted fixture 15 foot high, 150 foot watt and gives type of fixture which doesn't mean a lot to me but--

MR. BABCOCK: Mark had no comment on the lighting, he thought it was sufficient.

MR. PETRO: He noted that at the last meeting that he felt that it was sufficient for the site at the last meeting. The 8 x 8 foot separation between the two buildings, Mike, was approved by Bob Rogers of the fire department, correct, and I think we have fire approval on 9/9/98 and we have highway approval 9/4/98. Auto repair shops are required to have oil water separators, of course, we're not going to go into that, that's by the sewer department. In other words, you're not going to be able to run the sewer without having a separator but Mike, your department is going to monitor that, is that correct?

MR. BABCOCK: Yes, typically the oil water separator, Jim, is only if you have a floor drain or area that you might power wash a motor or something like that, if he doesn't have a floor drain in his building, just hooked up to the bathroom, you wouldn't.

MR. PETRO: I'm making a comment to the note that he put here and you can handle it through your department, we have mentioned some landscaping, I know you did the one circle that I mentioned, I see he put some plantings on the extreme south side of the property in the corner you see it there everybody?

MR. ARGENIO: Yes.

MR. LUCAS: What's the fire house, is that a block structure?

MR. BABCOCK: Yes, it is and yours is going to be what?

MR. BARBERA: Metal.

MR. LUCAS: Are there any other metal buildings in that area?

MR. BARBERA: There's one down the road, Rumsey Oil, he's got one in the back.

MR. BABCOCK: Jim Smith Chevrolet, the new Jim Smith Chevrolet, that's a metal building.

MR. PETRO: The proposed 6 foot high stockade fence you're going to run that on the south side of the property, correct, just on the south side or go right around?

MR. BARBERA: There's one on my neighbor's property.

MR. PETRO: On the east side already so you're going to connect it and go around?

MR. BARBERA: Yes.

MR. PETRO: And that is 6 foot.

MR. STENT: Dumpster sitting up front looks like is that going to be open?

MR. BARBERA: Dumpster is leaving, we, I'm going to go to garbage cans. We don't have enough garbage, I have a dumpster now and it's never full and I'm getting it taken out of there. I'm just going to use a couple garbage cans, the place doesn't produce, I have a little office and--

MR. STENT: What about about the garage in the back where the 3 bay garage is?

MR. BARBERA: There's just going to be a little office in there, the only--

MR. STENT: You're just going to have basically office garbage?

MR. BARBERA: Garbage from that office, I have the garbage from the house and I have the garbage from my office, which is nothing, I'm just going to get two garbage cans and place them on the side.

MR. PETRO: You have town pickup there, you're probably

already paying for it.

MR. STENT: Before you go for the approval, make sure that is deleted, the dumpster.

MR. STENT: Lead agency?

MR. PETRO: Lead agency we did because what we'll do we're here, this is for a public hearing, so at this time, we'd like to open it up to the public for the Barbera Superior Auto site plan on Route 207. On September 9, 1998, 30 addressed envelopes went out containing the attached notice of public hearing and once again, is anyone here that would like to speak on behalf of the public hearing? Please come forward and state your case. Let the record reflect that there is no one here to speak on behalf of this public hearing. I will entertain a motion to close the public hearing.

MR. STENT: Motion to close.

MR. ARGENIO: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board close the public hearing for the Barbera Superior Auto site plan. At this time, I'd like to open it back up to the board and we can continue with the SEQRA process, I guess.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. STENT: Make a motion we declare negative dec.

MR. LANDER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Barbera Superior Auto site plan. Is there any further discussion from the board

members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. LANDER: Mr. Babcock, commercial building doesn't need a dumpster?

MR. BABCOCK: No, not by code, only if this board suggests it and I talked to Mr. Barbera before.

MR. LANDER: I just wanted to make sure there's nothing in the code book to come back and bite us later.

MR. LUCAS: What will your use that area for where the dumpster was?

MR. BARBERA: Where the dumpster is now, that's just actually I have some landscaping up front under the side and I'm going to keep it grass.

MR. PETRO: Brian, the sidewalk, maybe you can doublecheck this, I can't tell from the topo that is going to be a handicapped sidewalk and needs to be one inch per foot. Correct?

MR. BABCOCK: Yes, the sidewalk that we asked him to connect the front and back, Jim, that is virtually flat.

MR. PETRO: So, it's not a concern?

MR. BABCOCK: No and we'll make sure of that.

MR. PETRO: Ends that whole question. I think he's addressed everything quite well.

MR. STENT: He's met all Mark's comments. There being no comments from any neighbors, I move that we grant approval to Mr. Barbera.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Barbera Superior Auto site plan on Route 207 and Weather Oak Hill Road, of course, you have to put up the bond estimate in accordance with paragraph A1G Chapter 19 of the Town Code, remove the proposed dumpster off the plan, final plan to be stamped other than that. Is there any further comments from any of the members of the board? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE



AS OF: 09/23/98

## LISTING OF PLANNING BOARD AGENCY APPROVALS

NAME: BRIAN BARBERA SITE PLAN (SUPERIOR AUTO)  
APPLICANT: BARBERA, BRIAN

[illegible]

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/23/98

PAGE: 1

LISTING OF PLANNING BOARD **ACTIONS**

STAGE:

STATUS [Open, Withd]  
O [Disap, Appr]

FOR PROJECT NUMBER: 98-33

NAME: BRIAN BARBERA SITE PLAN (SUPERIOR AUTO)

APPLICANT: BARBERA, BRIAN

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
09/09/98	P.B. APPEARANCE . REVISE PLAN & RETURN FOR PUBLIC HEARING ON 9/23/98	RET. FOR PH
08/15/98	WORK SESSION APPEARANCE	SUBMIT
08/05/98	WORK SESSION APPEARANCE	RET. TO W.S.
07/15/98	WORK SHOP APPEARANCE	RET. TO W.S.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/23/98

PAGE: 1

LISTING OF PLANNING BOARD **SEQRA** ACTIONS

FOR PROJECT NUMBER: 98-33

NAME: BRIAN BARBERA SITE PLAN (SUPERIOR AUTO)

APPLICANT: BARBERA, BRIAN

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	09/03/98	EAF SUBMITTED	09/03/98	WITH APPLICATION
ORIG	09/03/98	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	09/03/98	LEAD AGENCY DECLARED	09/09/98	TOOK LEAD AGENCY
ORIG	09/03/98	DECLARATION (POS/NEG)	/ /	
ORIG	09/03/98	PUBLIC HEARING	/ /	P.H. 9-23-98
ORIG	09/03/98	AGRICULTURAL NOTICES	/ /	

-----x  
In the Matter of Application for Site Plan/~~Subdivision of~~  
Superior Auto (Bronx Barbera) P.B. #98-33 (34-2-1),

AFFIDAVIT OF  
SERVICE  
BY MAIL

MYRA L. MASON, being duly sworn, deposes and says:

On September 2, 1998, I compared the 30 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for Site Plan/Subdivision and I find that the addressees are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason  
Myra L. Mason, Secretary for  
the Planning Board

Sworn to before me this  
9<sup>th</sup> day of Sept., 1998

Marylene Hotaling  
Notary Public

MARY ANN HOTALING  
Notary Public, State of New York  
No. 01HO5062877  
Qualified in Orange County  
Commission Expires July 8, 2010

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on September 23, 1998 at 7:30 P.M. on the approval of the proposed Site Plan Amendment (Subdivision of Lands)\* (Site Plan)\* OF Superior Auto Sales located Rt. 207 (#997 Little Britain Rd) <sup>TAX MAP #</sup> Sec. 34, Block 2, Lot 1 Map of the (Subdivision of Lands)(Site Plan)\* is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y. prior to the Public Hearing.

Dated: 9/3/98

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.

Chairman

---

NOTES TO APPLICANT:

- 1). \*Select Applicable Item.
- 2). A completed copy of this Notice must be approved prior to publication in The Sentinel.
- 3). The cost and responsibility for publication of this Notice is fully the Applicants.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

August 21, 1998

Mr. Brian Barbera  
597 Little Britain Rd.  
New Windsor, NY 12553

RE: 34-2-1

Dear Mr. Barbera:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

Leslie Cook  
Sole Assessor

/eav  
Attachments

CC: Myra Mason, PB

*30 envelopes  
mailed*

James & Amelia DeLaune  
6 Weather Oak Hill Rd ✓  
New Windsor, NY 12553

George J. Meyers, Supervisor  
Town of New Windsor  
555 Union Ave ✓  
New Windsor, NY 12553

V.S.H. Realty Inc. – V0835  
777 Dedham St ✓  
Canton, Mass 02021

James & Mary Anne Walker ✓  
8 Weather Oak Hill Rd  
New Windsor, NY 12553

Bruce & Linda Ladrick ✓  
9 Weather Oak Hill Rd  
New Windsor, NY 12553

Angelo Sakadelis ✓  
345 Toleman Rd  
New Windsor, NY 12553

Nicholas Volkringer &  
Rosann Scalfari ✓  
10 Weather Oak Hill Rd  
New Windsor, NY 12553

Karl & Myrtle Klinge ✓  
c/o Phillips  
116 North St  
Washingtonville, NY 10992

NYS Dept of Transportation  
c/o Airport Director ✓  
NYS DOT – 1035 First St  
Stewart Airport  
Newburgh, NY 12550

Thomas C. Galli ✓  
12 Weather Oak Hill Rd  
New Windsor, NY 12553

George & Patricia Kent ✓  
13 Weather Oak Hill Rd  
New Windsor, NY 12553

Angelo & Lucia Feola ✓  
8 Dapple Terrace  
Newburgh, NY 12550

Terry Orr ✓  
993 Little Britain Rd  
New Windsor, NY 12553

Vails Gate Fire Company ✓  
4 Weather Oak Hill Rd  
New Windsor, NY 12553

Fred & Edith Pellechia ✓  
603 Little Britain Rd  
New Windsor, NY 12553

Anthony & Sandra Christie ✓  
987 Little Britain Rd  
New Windsor, NY 12553

Allen & Kitty Dantas ✓  
18 Square Hill Rd  
New Windsor, NY 12553

Angelo Rizzo ✓  
1003 Little Britain Rd  
New Windsor, NY 12553

John P. Ambury ✓  
985 Little Britain Rd  
New Windsor, NY 12553

Peak Technical Corp. ✓  
2 Square Hill Rd  
New Windsor, NY 12553

Dorothy H. Hansen, Town Clerk  
Town of New Windsor  
555 Union Ave ✓  
New Windsor, NY 12553

Scott Hughes & James Petro Jr. ✓  
981 Little Britain Rd  
New Windsor, NY 12553

Joseph Herschel ✓  
3696 Route 209  
Wurtsboro, NY 12790

Andrew Krieger, Esq. ✓  
219 Quassaick Ave  
New Windsor, NY 12553

Moore's Hill Estates Inc ✓  
c/o Jacob Deutsch  
1 Kennedy Court  
Monroe, NY 10950

New Windsor Power  
Equipment Corp. ✓  
988 Little Britain Rd  
New Windsor, NY 12553

James R. Petro, Chairman  
Planning Board ✓  
555 Union Ave  
New Windsor, NY 12553

Paul & Cecelia Mehmed ✓  
5 Weather Oak Hill Rd  
New Windsor, NY 12553

Stephen Sakadelis ✓  
3 Square Hill Rd  
New Windsor, NY 12553

Mark J Edsall, P.E. ✓  
McGoey and Hauser  
Consulting Engineers, P.C.  
45 Quassaick Ave  
New Windsor, NY 12553



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 564-6660  
Fax: (914) 563-4693

## Superintendent of Highways

W. James Pullar

TO: Town of New Windsor Planning Board

FROM: Jim Pullar, Superintendent of Highways

DATE: July 22, 1998

SUBJECT: Superior Auto Sales

Please be advised that the purposed driveway on to Weather Oak Hill from Superior Auto Sales meets with my approval.

If there is any questions, please do not hesitate to contact me.

WJP/mvz

Cc: file



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on September 23, 1998 at 7:30 P.M. on the approval of the proposed Site Plan Amendment (Subdivision of Lands)\* (Site Plan)\* OF Superior Auto Sales located Rt. 207 (#997 Little Britain Rd) <sup>TAX MAP #</sup> Sec. 34, Block 2, Lot 1 Map of the (Subdivision of Lands)(Site Plan)\* is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y. prior to the Public Hearing.

Dated: 9/3/98

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.

Chairman

---

NOTES TO APPLICANT:

- 1). \*Select Applicable Item.
- 2). A completed copy of this Notice must be approved prior to publication in The Sentinel.
- 3). The cost and responsibility for publication of this Notice is fully the Applicants.

**RESULTS OF MEETING OF :**

9-9-88

**PROJECT:** Brian Barbera (Superior Auto) **P.B.#** W 33

**LEAD AGENCY:**

**NEGATIVE DEC:**

1. **AUTHORIZE COORD LETTER:** Y\_\_ N\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

2. **TAKE LEAD AGENCY:** Y\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

M) S S) A VOTE: A S N O

CARRIED: YES ✓ NO\_\_

**WAIVE PUBLIC HEARING:** M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ **WAIVED:** Y\_\_ N\_\_ ✓

**SCHEDULE P.H.** Y ✓ N\_\_

**SEND TO O.C. PLANNING:** Y\_\_

**SEND TO DEPT. OF TRANSPORTATION:** Y\_\_

**REFER TO Z.B.A.:** M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

**RETURN TO WORK SHOP:** YES\_\_ NO\_\_

**APPROVAL:**

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ **APPROVED:** \_\_\_\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ **APPROVED CONDITIONALLY:** \_\_\_\_\_

**NEED NEW PLANS:** Y\_\_ N\_\_

**DISCUSSION/APPROVAL CONDITIONS:**

<u>Need lighting plan or more info on lighting</u>
<u>Show what is on original plan, on this plan.</u>
<u>Put sidewalk from existing bldg to new bldg for</u>
<u>handicap use - show on plan</u>
<u>Get painter</u>
<u>Need flag pole &amp; flag</u>



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 53

DATE PLAN RECEIVED: RECEIVED SEP 10 1998

The maps and plans for the Site Approval ✓

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of  
BRIAN BARBERA has been

reviewed by me and is approved ✓,

disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

AUTO REPAIR SHOPS ARE REQUIRED TO HAVE

OIL/WATER SEPARATORS

HIGHWAY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

WATER SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

[Signature] 9/15/98  
SANITARY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 00-33

DATE PLAN RECEIVED: RECEIVED SEP 10 1998

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of  
Brian Barber has been

reviewed by me and is approved ☒

~~disapproved~~ \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

Building is being fed by town water.

HIGHWAY SUPERINTENDENT DATE

John D. Dio - 9-14-98  
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

**INTER-OFFICE MEMORANDUM**

**TO: Town Planning Board**

**FROM: Town Fire Inspector**

**DATE: September 16, 1998**

**SUBJECT: Brian Barbera Site Plan**

Planning Board Reference Number: PB-98-33

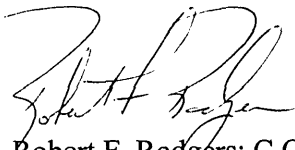
Dated: 10 September 1998

Fire Prevention Reference Number: FPS-98-020

A review of the above reference site plan was conducted on 11 September 1998.

This site plan is acceptable.

Plans Dated: 10 September 1998 Revision 1

A handwritten signature in black ink, appearing to read "Robert F. Rodgers".

Robert F. Rodgers; C.C.A.  
Fire Inspector

RFR/dh

**INTER-OFFICE MEMORANDUM**

**TO: New Windsor Planning Board**

**FROM: Town Fire Inspector**

**DATE: September 9, 1998**

**SUBJECT: Brian Barbera Site Plan**

Planning Board Reference Number: PB-98-33

Dated: 2 September 1998

Fire Prevention Reference Number: FPS-98-052

A review of the above referenced subject site plan was conducted on 4 September 1998.

This site plan is acceptable.

Plans Dated: 2 September 1998.

A handwritten signature in cursive script, appearing to read 'Robert F. Rodgers', is written over the printed name.

Robert F. Rodgers; C.C.A.  
Fire Inspector

RFR/dh



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 33

DATE PLAN RECEIVED: RECEIVED SEP 3 1998

RECEIVED

SEP 04 1998

N.W. HIGHWAY DEPT.

The maps and plans for the Site Approval ✓

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

\_\_\_\_\_ has been

reviewed by me and is approved ✓

disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*W. James Sullivan* 9/4/98  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 33

DATE PLAN RECEIVED: RECEIVED SEP 3 1998

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of  
Brian Barbera has been

reviewed by me and is approved ☒ \_\_\_\_\_,

disapproved ☐ \_\_\_\_\_.

~~If disapproved, please list reason~~ \_\_\_\_\_

Call water dept. for additional  
service  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HIGHWAY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

Steve D. D. 9-8-98  
WATER SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

SANITARY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_





McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
400 Broad Street  
Millford, Pennsylvania 18337  
(717) 296-2765

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 98-33

WORK SESSION DATE: 15 July 1998

APPLICANT RESUB.  
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: \_\_\_\_\_

PROJECT NAME: Superior Auto S/P Am.

PROJECT STATUS: NEW X OLD \_\_\_\_\_

REPRESENTATIVE PRESENT: Brian Barbera

MUNIC. REPS PRESENT: BLDG INSP. X  
FIRE INSP. X  
ENGINEER X  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

need to get S/P Amendment -

wants to add rental use. and add row  
of parking/pkgs

Presub conf 8/12

he is to check with Jim Keller.

may want fence

4MJE91 pbwsform



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF New Windsor P/B # 98 - 33

WORK SESSION DATE: 19 AUG 98

APPLICANT RESUB.  
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: \_\_\_\_\_

PROJECT NAME: Superior S/P

PROJECT STATUS: NEW x OLD \_\_\_\_\_

REPRESENTATIVE PRESENT: Brian Barbera

MUNIC REPS PRESENT: BLDG INSP. \_\_\_\_\_  
FIRE INSP. Rich  
ENGINEER X  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Plan not ready from Hildbreth

W/S - 9/2

ntz 9/9



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF New Windsor

P/B # 98 - 33

WORK SESSION DATE: 5 AUG 98

APPLICANT RESUB.  
REQUIRED: later

REAPPEARANCE AT W/S REQUESTED: Yes

PROJECT NAME: Superior Auto

PROJECT STATUS: NEW X OLD     

REPRESENTATIVE PRESENT: Brian Barbera

MUNIC. REPS PRESENT: BLDG INSP. X  
FIRE INSP. X  
ENGINEER X  
PLANNER       
P/B CHMN.       
OTHER (Specify)     

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

40x55 dr repair 2200 3x4x12  
1200 3 + 3/15

Bill Holdreth to do plan



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision \_\_\_\_\_ Lot Line Change \_\_\_\_\_ Site Plan ☒ Special Permit ☒

Tax Map Designation: Sec. 34 Block 2 Lot 1

1. Name of Project BRIAN BARBERA SITE PLAN
2. Owner of Record BRIAN BARBERA Phone 567-1751  
Address: 7 OLIVER DRIVE NEWBURGH N.Y. 12550  
(Street Name & Number) (Post Office) (State) (Zip)
3. Name of Applicant SAME Phone SAME  
Address: SAME  
(Street Name & Number) (Post Office) (State) (Zip)
4. Person Preparing Plan GREVAS & HILDRETH, L.S., P.C. Phone 566-6650  
Address: 407 SO. PLANK ROAD UNIT 3 NEWBURGH, N.Y. 12550  
(Street Name & Number) (Post Office) (State) (Zip)
5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)
6. Person to be notified to appear at Planning Board meeting:  
BRIAN BARBERA 567-1751  
(Name) (Phone)
7. Project Location:  
On the SOUTH side of N.Y.S. ROUTE 207 & THE feet  
(Direction) (Street) (No.)  
EAST SIDE ~~of~~ OF WEATHER OAK HILL RD.  
(Direction) (Street)
8. Project Data: Acreage 0.40 Zone NC School Dist. CSD

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No X

\*This information can be verified in the Assessor's Office.

\*If you answer "yes" to question 9, please complete the attached "Agricultural Data Statement".

10. Description of Project: (Use, Size, Number of Lots, etc.) CONSTRUCTION OF 3 BAY AUTO REPAIR GARAGE & PARKING LOT FOR TWELVE CARS. EXISTING USED CAR SALES AND APARTMENT USE (PREVIOUSLY APPROVED) TO REMAIN

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no X

12. Has a Special Permit previously been granted for this property? yes \_\_\_\_\_ no X

ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)


SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

3rd DAY OF September 1998

  
NOTARY PUBLIC  
SHARON M. FORTENBERRY  
Notary Public, State of New York  
No. 4949078  
Qualified in Orange County  
Commission Expires April 3, 1999

  
APPLICANT'S SIGNATURE

BRIAN BARBERA  
Please Print Applicant's Name as Signed

\*\*\*\*\*

TOWN USE ONLY:

RECEIVED SEP 3 1998  
DATE APPLICATION RECEIVED

                      
APPLICATION NUMBER

***TOWN OF NEW WINDSOR PLANNING BOARD***

**SITE PLAN CHECKLIST**

**ITEM**

1. ☒ Site Plan Title
2. ☒ Applicant's Name(s)
3. ☒ Applicant's Address
4. ☒ Site Plan Preparer's Name
5. ☒ Site Plan Preparer's Address
6. ☒ Drawing Date
7. ☒ Revision Dates
8. ☒ Area Map Inset
9. ☒ Site Designation
10. ☒ Properties within 500' of site
11. ☒ ~~N/A~~ Property Owners (Item #10)
12. ☒ Plot Plan
13. ☒ Scale (1" = 50' or lesser)
14. ☒ Metes and Bounds
15. ☒ Zoning Designation
16. ☒ North Arrow
17. ☒ Abutting Property Owners
18. ☒ Existing Building Locations
19. ☒ Existing Paved Areas
20. ☒ Existing Vegetation
21. ☒ Existing Access & Egress

## PROPOSED IMPROVEMENTS

- 22. N/A Landscaping
- 23. ✓ Exterior Lighting
- 24. ✓ Screening
- 25. ✓ Access & Egress
- 26. ✓ Parking Areas
- 27. N/A Loading Areas
- 28. ✓ Paving Details (Items 25 - 27)
- 29. N/A Curbing Locations
- 30. N/A Curbing through section
- 31. N/A Catch Basin Locations
- 32. N/A Catch Basin Through Section
- 33. N/A Storm Drainage
- 34. ✓ Refuse Storage
- 35. N/A Other Outdoor Storage (NONE PROPOSED)
- 36. ✓ Water Supply
- 37. ✓ Sanitary Disposal System
- 38. N/A Fire Hydrants
- 39. ✓ Building Locations
- 40. ✓ Building Setbacks
- 41. \* Front Building Elevations
- 42. ✓ Divisions of Occupancy
- 43. N/A Sign Details
- 44. ✓ Bulk Table Inset
- 45. ✓ Property Area (Nearest 100 sq. ft.)
- 46. ✓ Building Coverage (sq. ft.)
- 47. ✓ Building Coverage (% of total area)
- 48. ✓ Pavement Coverage (sq. ft.)
- 49. ✓ Pavement Coverage (% of total area)
- 50. N/A Open Space (sq. ft.)
- 51. N/A Open Space (% of total area)
- 52. ✓ No. of parking spaces proposed
- 53. ✓ No. of parking spaces required

\* NONE AVAILABLE AT TIME OF APPLICATION

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. N/A

Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.

55. N/A

A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leaser shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

**PREPARER'S ACKNOWLEDGMENT:**

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: William B. Alford, L.S. 9/2/98  
Licensed Professional Date



PROJECT I.D. NUMBER

617.21

SEQR

## Appendix C

State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>BRIAN BARBERA</i>	2. PROJECT NAME <i>BRIAN BARBERA SITE PLAN</i>
3. PROJECT LOCATION: Municipality <i>TOWN OF NEW WINDSOR</i> County <i>ORANGE</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>SOUTH SIDE OF N.Y.S. ROUTE 207 &amp; EAST SIDE OF WEATHER OAK HILL ROAD</i> <i>TAX MAP SECTION 34 BLOCK 2 LOT 1</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>CONSTRUCTION OF 3 BAY AUTO REPAIR GARAGE &amp; PARKING LOT FOR 12 CARS</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>0.40</i> acres Ultimately <i>0.40</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>N/A</i>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>BRIAN BARBERA</i>	Date: <i>9/2/98</i>
Signature: <i>William B. Helton, L.S. (PREPARED)</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

1

98

33

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b> If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8?</b> If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b> <b>C1.</b> Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:     <b>C2.</b> Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:     <b>C3.</b> Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:     <b>C4.</b> A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:     <b>C5.</b> Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:     <b>C6.</b> Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:     <b>C7.</b> Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:     <b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:	
_____	
Name of Lead Agency	
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)
_____	
Date	

## ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance ☒

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

*THIS PROPERTY IS NOT IN A FLOOD ZONE*

*William B. Hildner, L.S.*